INTERNATIONAL YEAR 1993

PROMOTING THE RIGHTS OF INDIGENOUS PEOPLE

Indigenous people occupy an important place in the global family, and promotion and protection of their fundamental rights has been a major objective of the United Nations. For more than three decades, the United Nations has spearheaded an initiative to develop international standards concerning the rights of these culturally diverse people. At the forefront of these efforts are the International Labour Organisation (ILO) and a high-powered Working Group, convened by the United Nations Centre for Human Rights in Geneva.

In December 1990, the United Nations General Assembly adopted resolution 45/164 proclaiming 1993 as the International Year for the World's Indigenous People. Aimed at strengthening "international cooperation for the solution of problems faced by indigenous communities in areas such as human rights, the environment, development, education and health", the Year is a milestone in the struggle of indigenous peoples to achieve recognition of their rights and equal status in their ancestral homelands.

An estimated 300 million indigenous people live in more than 70 countries, from the Arctic regions to the Amazon and Australia. In some countries, such as Peru and Guatemala, almost half the population is indigenous. China and India together have more than 150 million indigenous and tribal peoples. About 10 million indigenous people live in Myanmar (Burma). Often defined as Indians, aboriginals, autochthonous people, natives or first nations, indigenous people have widely varying cultural, ethnic and religious backgrounds. In spite of their diversity, they face similar difficulties.

The Problems

For historical and political reasons ranging from foreign conquest and colonization to the creation of nation-states, a large proportion of indigenous peoples have been forced to live impoverished and subordinated lives on their own lands. In recent decades, indigenous people have been the victims of some of the most damaging aspects of development. These include dam and irrigation projects, road construction, mining and destructive environmental practices such as deforestation in the world's remaining rainforests, which are home to about 50 million indigenous people. As a result, indigenous peoples have often been deprived of their means of livelihood and devastated by disease. More than 30 percent of Venezuela's Yanomami Indians have perished from exposure to measles and whooping cough brought by outsiders.

Indigenous peoples are also subjected to slavery, servitude and forced labour. The majority of India's tribal peoples live below the poverty line. Life expectancy of the indigenous people of northern Russia is 18 years less than the national average. The number of unemployed Australian Aboriginals is five times the national average. Often uprooted from their traditional lands and ways of life and forced to fit into prevailing national societies, indigenous peoples face discrimination, marginalization and alienation. Despite growing political mobilization in pursuit of their rights, they continue to lose their cultural identity along with their natural resources. Some are in imminent danger of extinction.

The international community has been slow to recognize the problems facing indigenous people in the post-colonial era. Nevertheless, since its inception the United Nations has been sensitive to their plight and has addressed numerous issues affecting their lives.

International Action

The first serious international initiative on behalf of indigenous peoples was undertaken by the ILO with the completion, in 1953, of a study on the scope of problems facing indigenous people and the adoption, in 1957, of a Convention (No. 107) seeking to protect the rights of indigenous and tribal "populations". However, the shortcomings of those measures and continued discrimination against indigenous people prompted the ILO to revise the Convention. In 1989, the ILO adopted Convention No. 169 to promote consultation between Governments and indigenous people. This text also addressed the issue of collective and individual land rights and ownership of natural resources in indigenous peoples' traditional habitats.

HUMAN RIGHTS

UNITED NATIONS

Catching up with ILO's groundbreaking initiatives, in 1971 the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities recommended a comprehensive study on discrimination against indigenous peoples. The study addressed a wide range of issues, including the "definition" of indigenous peoples and the role of non-governmental and intergovernmental organizations in eliminating discrimination against them. Its conclusions and recommendations form the cornerstone of United Nations efforts to identify human rights abuses against indigenous people. The predominantly positive response to the study encouraged the United Nations Economic and Social Council (ECOSOC) to authorize the formation of a more specialized body to prepare a blueprint for the rights of indigenous people.

The Working Group on Indigenous Populations

In 1982, the Working Group on Indigenous Populations was established to prepare a Universal Declaration on the Rights of Indigenous Peoples and to review governmental policies on the promotion and protection of their human rights. The five-member Working Group's annual meetings are open to representatives of indigenous people and their organizations. To facilitate wider participation of indigenous peoples at these sessions, the General Assembly established a Voluntary Fund for Indigenous Populations in 1985. By providing financial assistance, the Fund enables representatives of indigenous groups from around the world to travel to Geneva and contribute to the formulation of the declaration.

Today, having made significant progress towards finalization of a draft declaration, the Working Group has become the focal point of global activity for promoting the human rights of indigenous peoples. More than 500 people, including a number of government observers, participated in the Group's 1991 gathering, making it one of the largest human rights events ever held in the United Nations system. Among the indigenous groups that attend the annual meetings are the National Organization of Aboriginal and Islander Legal Services (Australia), the Grand Council of Crees (Canada), the National Indian Youth Council (USA), the Nordic Saami Council (Finland), the Indigenous World Association and the World Council of Indigenous Peoples.

The Working Group is studying the question of ownership and control of the cultural and religious property of indigenous people and has recommended action for the protection of those rights. Furthermore, since 1989 it has studied the potential usefulness of treaties and other bilateral arrangements between Governments and indigenous people. The final report is expected to be completed in 1995.

In its efforts to establish durable and mutually acceptable international standards for the rights of indigenous peoples, the Working Group has paid close attention to a number of sensitive issues. In response to the wishes of indigenous groups, in 1988 the Group replaced the term "indigenous populations" with "indigenous peoples". Collective rights were also stressed. Also in 1988, 22 principles of the draft declaration were presented and welcomed by all parties involved. However, it was felt that on certain issues—self-determination, collective rights to territories and the significance of treaties—some inadequacies needed to be addressed so that the principles could be revised.

In the belief that there can be no single and uniform solution for the wide-ranging problems of indigenous peoples, the United Nations has advocated autonomy and self-rule as the most viable way for them to achieve equality and freedom from discrimination. The sensitivities of striking a measured balance between the aspirations of indigenous peoples and the interests of Governments have slowed the Working Group's progress. It is hoped that by the end of 1993, the International Year for the World's Indigenous People, a workable draft of the Universal Declaration on the Rights of Indigenous Peoples will be completed.

Meetings of Experts

In preparing the draft declaration, the Working Group has benefited from the valuable contributions of various United Nations meetings of experts that have examined specific issues relating to indigenous peoples.

The Global Consultation on Racism and Racial Discrimination was held in Geneva in October 1988 to focus on the coordination of international activities to combat racism and racial discrimination. Particular attention was drawn to racism and racial discrimination experienced by indigenous peoples. The need for Governments to create favourable

conditions and promote legal measures to protect the human rights of indigenous peoples was emphasized.

In September 1991, the United Nations Meeting of Experts to Review the Experience of Countries in the Operation of Schemes of Internal Self-government for Indigenous People was held in Nuuk, Greenland. The participants included representatives of Governments, organizations of indigenous people and United Nations specialized agencies. In agreement that indigenous peoples have the right to self-determination, including the rights of autonomy, self-government and self-identification, the experts drafted a number of recommendations for the implementation of those rights.

In May 1992, the Technical Conference on Practical Experience in the Realization of Sustainable Environmentally Sound Self-development of Indigenous People was held in Santiago, Chile. Participants acknowledged that many of the world's most vulnerable ecosystems are the traditional territories of indigenous peoples who have developed successful sustainable and environmentally friendly methods of resource management and land use. The meeting facilitated the sharing of expertise and also provided information for the consideration of the Working Group.

Provisions of the Draft Declaration

The Working Group held the first reading of the draft declaration at its 1991 annual meeting in Geneva. At the conclusion of the meeting, Erica-Irene Daes, Chairperson-Rapporteur of the Working Group, said: "Our draft declaration must be built on cooperation and mutual understanding and not on confrontation".

Preambular paragraphs highlight the affirmation that "all indigenous peoples are free and equal in dignity and rights to all peoples in accordance with international standards" and that there is an "urgent need to respect and promote the rights and characteristics of indigenous peoples, especially their rights to the lands, territories and resources, which stem from their history, philosophy, cultures and spiritual and other traditions, as well as from their political, economic and social structures". The preamble also points out that indigenous peoples have often been deprived of their human rights and fundamental freedoms, resulting in dispossession of their lands, territories and resources.

The operative paragraphs of the draft declaration deal with the full range of issues confronting indigenous peoples. Indigenous peoples, the document states, have the right of self-determination, of which an integral part is the right to autonomy and self-government, as well as the right to "full and effective enjoyment of all of the human rights and fundamental freedoms" recognized in the United Nations Charter and in international human rights law.

The rights of indigenous peoples proclaimed in subsequent paragraphs include: the right to be protected from genocide, to maintain and develop their distinct ethnic and cultural identities, to use their own languages, to own and control their traditional lands and territories, to be compensated for lands that have been confiscated, to be consulted on development projects that will affect them, to exercise autonomy in internal and local affairs, and to "participate on an equal footing with all other citizens and without adverse discrimination in the political, economic, social and cultural life of the State".

Although the United Nations is a beacon of hope for the aspirations of indigenous peoples to gain their human rights, realization of this goal will be impossible without constructive dialogue and the political will of member nations to implement its solutions fully. It is hoped that the designation of 1993 as the International Year for the World's Indigenous People will generate greater international understanding and cooperation towards the elimination of discrimination against indigenous peoples and the solution of the problems faced by indigenous communities.

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